

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 2:21-cr-89 (1-8)  
JUDGE SARAH D. MORRISON**

**JAMES VERL BARLOW  
MATTHEW TAYLOR BARLOW  
MONET LATRICE CARRIERE  
JENNIFER HELEN CAMPBELL  
TONY DU PHAN  
RONALD ROYAL EDWARD BRUST  
AMY M. MILLER  
DANIEL S. BARWELL,**

**Defendants.**

**ORDER**

Upon the Court's *sua sponte* consideration of this case, the Court determines pursuant to 18 U.S.C. § 3161 that the ends of justice require a continuance of the October 12, 2021 trial date and the November 29, 2021 trial date for Defendants James Barlow and Matt Barlow. The Court and all counsel having agreed to continue the pretrial and trial dates, Defendants James Barlow and Matt Barlow, Monet Latrice Carriere, Jennifer Helen Campbell, Tony Du Phan, Ronald Royal Edward Brust, and Amy M. Miller (through counsel) having waived their right to a speedy trial time, and the Court having found that the ends of justice served by continuing the trial outweigh the best interests of the public and the Defendants' right to a speedy trial, the July 28, 2021 Scheduling Order (ECF No. 43) is hereby **VACATED** and the September 2, 2021 Scheduling Order (ECF No. 58) is also hereby **VACATED**. The Court concludes that the ends of

justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

“The Speedy Trial Act of 1974 provides, *inter alia*, that in ‘any case in which a plea of not guilty is entered, the trial . . . shall commence within seventy days’ after the arraignment, 18 U.S.C. § 3161(c)(1), but lists a number of exclusions from the 70-day period . . . .” *U.S. v. Tinklenberg*, 563 U.S. 647, syllabus (2011). A court may set a trial date outside the Speedy Trial Act’s 70-day rule “if the judge grant[s] such continuance on the basis of h[er] findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). When granting such a continuance, a court may consider a number of factors including whether failure to grant a continuance would “result in a miscarriage of justice” or whether the “failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. . . .” 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

The Court will set a trial date outside the Speedy Trial Act’s 70-day rule, because “the ends of justice served by [taking such action] outweigh the best interest of the public and the defendant[s] in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

Consequently, the Court sets forth the following findings:

- (1) The Court is available to try this case on October 12, 2021, and November 29, 2021, beginning at 9:00 a.m.
- (2) The failure to grant a continuance would likely result in a miscarriage of justice in this case. 18 U.S.C. § 3161(h)(7)(B)(i).
- (3) The failure to grant a continuance would deny the parties reasonable time necessary for effective preparations, taking into account the exercise of due diligence, as well as deny the defendant continuity of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

(4) The delay occasioned by the continuance is properly excluded from the time limits of the Speedy Trial Act.

The Court hereby establishes the following trial schedule:

All Pretrial Motions, including motions *in limine*, shall be filed on or before **February 14, 2022**. Motions may not exceed ten (10) pages.

Joint Jury Instructions, with objections, the grounds therefore and alternative language clearly marked, shall be filed on or before **February 28, 2022**. A copy shall also be e-mailed to [Michalea\\_Delaveris@ohsd.uscourts.gov](mailto:Michalea_Delaveris@ohsd.uscourts.gov) in Word format with all counsel copied on the e-mail.

Responses to All Pretrial Motions due by **February 21, 2022**.

Responses are limited to ten (10) pages.

No reply memoranda are permitted without leave of court.

Final Pretrial Conference is rescheduled for **March 7, 2022 at 2:00 p.m.**

Jury Trial is rescheduled for **March 14, 2022 at 9:00 a.m. in Courtroom #132.**

**IT IS SO ORDERED.**

/s/ Sarah D. Morrison

**SARAH D. MORRISON**

**UNITED STATES DISTRICT JUDGE**